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Dislocation Allowance and Reemployment Assistance Program

Dislocation Allowance and Reemployment Assistance for Loss of Employment Caused by Litter Control Statutes Sections 22a-77 Through 22a-79

General

Sec. 31-11a-1. Purpose and scope

The following regulations implement and facilitate the administration of sections 8 and 9 of Public Act 78-16, now codified as section 31-11a of the Connecticut General Statutes.

That statute authorizes the labor commissioner to provide for payment of dislocation allowances and other assistance in securing suitable employment to individuals whose loss of employment is directly related to sections 22a-77 through 22a-79 of the Connecticut General Statutes (Litter Control and Beverage Container Law).

(Effective August 18, 1980)

Sec. 31-11a-2. Definitions

(a) "Administrator" means the Labor Commissioner or any duly authorized representative.

(b) "Adversely affected employment" means employment, the loss of which has been caused by or is directly related to sections 22a-77 through 22a-79 of the Connecticut General Statutes.

(c) "Amount of unemployment compensation" means an individual's total unemployment rate, as defined in section 31-231a, and includes any dependency allowances, as defined in section 31-234 of the Connecticut General Statutes.

(d) "Average weekly earnings" means one-thirteenth of an individual's high quarter gross wages. The high quarter is the quarter in which the individual's wages were highest among the four quarter base period used in determining the individual's amount of unemployment compensation.

(e) "Average weekly net earnings" means one thirteenth of an individual's net earnings during the high quarter, which is utilized in determining the individual's amount of unemployment compensation.

(f) "Base period" means those quarters of earnings used in determining an individual's total unemployment benefit rate, as defined in section 31-230 of the Connecticut General Statutes.

(g) "Benefit period" means a two-year period commencing with an individual's date of loss of employment because of sections 22a-77 through 22a-79 of the Connecticut General Statutes, or January 1, 1980, whichever is later.

(h) "Date of separation" means the date on which the individual was laid off or otherwise separated from employment, so as to make the individual a dislocated employee.

(i) "Dislocated employee" means any person who suffers loss of employment directly related to, or caused by, the provisions of sections 22a-77 through 22a-79 of the Connecticut General Statutes.

(j) "Dislocation allowance" means a weekly allowance payable to a dislocated employee under sections 31-11a-3 through 31-11a-8 of these regulations.

(k) "Employer" means any individual or type of organization subject to the provisions of Chapter 567 of the Connecticut General Statutes.

(l) "Employment" means any service performed legally for an employer by an individual for wages.

(m) "Net earnings" means gross wages less reductions for federal withholding tax and the FICA tax.

(n) "Reemployment assistance" means retraining and relocation allowances, employment assistance, and educational training programs.

(o) "Trainee" means a dislocated employee undergoing a planned and systematic sequence of instruction to which the individual is referred under sections 31-11a-9 through 31-11a-13 of these regulations.

(p) "Unemployment Compensation" means cash benefits payable to an individual with respect to an individual's unemployment under Chapter 567 of General Statutes.

(q) "Wages" means "total wages" as defined in section 31-222 (b) (1) of the Connecticut General Statutes.

(r) "Week" means a week as defined under section 31-222-13 of the Connecticut Unemployment Compensation Regulations.

(Effective August 18, 1980)

Dislocation Allowances

Sec. 31-11a-3. Applications

Any individual may apply at any time within his benefit period to the administrator for a dislocation allowance. Applications shall be in accordance with instructions and on forms approved and provided by the administrator. Determinations with respect to an application shall be made by the administrator as soon as administratively feasible, in accordance with the provisions of section 31-11a-4 of these regulations.

(Effective August 18, 1980)

Sec. 31-11a-4. Qualifying requirements

To qualify for a dislocation allowance, an individual must meet each of the following requirements:

(a) The individual must be a dislocated employee.

(b) The individual must meet the minimum requirements for receiving unemployment compensation under Chapter 567 of the Connecticut General Statutes for any week ending after January 1, 1980.

(Effective August 18, 1980)

Sec. 31-11a-5. Evidence of qualification

(a) **Agency action.** When an individual applies for a dislocation allowance, the agency shall obtain information necessary to establish:

(1) Whether the individual meets the requirements of section 31-11a-4.

(2) The individual's average weekly earnings.

(3) The individual's average weekly net earnings.

(b) **Insufficient data.** If information necessary to establish entitlement, specified in paragraph (a) of this section, is not obtainable from state agency records or from an employer, the administrator may require the individual to submit an affidavit or other acceptable evidence. Such affidavit or statement shall contain, but not be limited to the following information:

(1) Name and address of the employer.

(2) Beginning and ending dates of period of employment with such employer.

(3) Reason for unemployment.

(4) Any other pertinent information.

(c) **Verification.** Evidence submitted pursuant to paragraph (b) of this section shall be certified by the individual to be true to the best of the individual's knowledge and belief. The administrator may require the individual to produce supporting evidence such as Forms W-2, paycheck stubs, union records, income tax returns, statements of fellow employees or other individuals who would be knowledgeable of such information.

(d) **Determinations.** The administrator shall make the necessary determinations on the basis of information obtained from the employer, the employee or any other relevant source. When any change occurs in an individual's benefit year and base period, as defined in section 31-230 of the Connecticut General Statutes, during the individual's benefit period for dislocation allowance, the administrator shall recompute that individual's dislocation allowance based on such change.

(e) **Records and reports.** The administrator may require from any employer sworn or unsworn reports with respect to persons employed or formerly employed by that employer which are necessary for the determination of eligibility to benefits under section 31-11a of the Connecticut General Statutes. The administrator may also require that said employer shall open any records of employment with respect to former or present employees for inspection and copying at any reasonable time, as often as deemed necessary for the effective administration of section 31-11a of the Connecticut General Statutes.

(Effective August 18, 1980)

Sec. 31-11a-6. Disqualifications

(a) **State law applies.** Except as stated in paragraph (b) of this section, an individual shall not be paid a dislocation allowance for a week of unemployment for which the individual is disqualified from receiving unemployment compensation under Chapter 567 of the Connecticut General Statutes.

(b) **Exception for trainees.** State law shall not be applied to disqualify an individual undergoing training approved under the Reemployment Assistance provisions of these regulations.

(c) **Overpayments.** Provisions in Chapter 567 of the Connecticut General Statutes regarding establishment and recovery of overpayments for fraudulent and nonfraudulent filing shall apply to any individual filing for a dislocation allowance.

(Effective August 18, 1980)

Sec. 31-11a-7. Weekly amounts

(a) **Regular allowance.** The amount of dislocation allowance payable to a dislocated employee for a week of unemployment (including a week of training) shall be equal to 75 percent of his average weekly earnings, except that the amount payable shall in no event exceed 85 percent of the dislocated employee's average net weekly earnings.

(b) **Reduction of amount.** The amount of dislocation allowance payable under paragraph (a) of this section shall be reduced by the amount of unemployment compensation received by the dislocated employee, except that when an individual's unemployment compensation payment for a week is reduced to zero, due to wages earned for partial employment or for any other reason pursuant to state law, no dislocation allowance shall be paid for that week.

(c) **Training allowance.** Any dislocated employee enrolled in a training program approved under the Reemployment Assistance provisions of these regulations, who is entitled for a week to dislocation allowance shall receive such dislocation allowance in an amount reduced by any training allowance or unemployment compensation

or any combination of both to which that individual is entitled under any other state or federal law.

(d) **Rounding.** An amount payable under this section which is not a multiple of a dollar shall be rounded to the next higher multiple of a dollar.

(Effective August 18, 1980)

Sec. 31-11a-8. Duration

An individual may receive a dislocation allowance for any calendar week for which the individual qualifies during the two years subsequent to the date he became unemployed as a result of the provisions of sections 22a-77 through 22a-79 of the Connecticut General Statutes.

(Effective August 18, 1980)

Reemployment Assistance

Sec. 31-11a-9. Training and employability services

(a) A dislocated employee shall be afforded by the administrator all forms of reemployment assistance to which he is entitled under law. The dislocated employee shall be:

(1) Registered for work with the Job Service of the Connecticut Labor Department.

(2) Afforded, when appropriate, testing, counseling, job referral and other placement services provided by any law, including supportive services in order to prepare the worker for full employment in accordance with the worker's capabilities and job opportunities.

(b) If suitable employment is not otherwise available and the worker's employability would be improved thereby, the dislocated employee may be selected or referred to training as provided in sections 31-11a-10, 11, 12 and 13.

(c) **Applications:** Applications for selection for, approval of and referral to training shall be in accordance with instructions and on forms approved and provided by the administrator, and authorization for such training must be made within the two-year benefit period.

(Effective August 18, 1980)

Sec. 31-11a-10. Worker retraining

(a) **Plan development.** To the extent practicable before referring dislocated employees to training or approving training for such individuals, the administrator shall consult with such worker's former employer or recognized union for the purpose of developing a worker retraining plan to meet the manpower needs of such employer.

(b) **Selection and referral.** To the extent consistent with this section, selection and referral of individuals designated in a worker retraining plan shall be in accordance with section 31-11a-11.

(Effective August 18, 1980)

Sec. 31-11a-11. Preferred training

(a) **No cost training.** The administrator shall, whenever possible, refer a dislocated employee to suitable training which is provided at no cost to the individual or to the Employee Dislocation Allowance Fund.

(b) **Applicable standards.** The standards, procedures and requirements of the training program to which an individual is referred under this section shall apply to the individual.

(c) **Fees prohibited.** In no case shall an individual be referred to training under this section for which the individual is required to pay a fee or tuition.

(Effective August 18, 1980)

Sec. 31-11a-12. Purchased training

If the administrator determines that placement of a dislocated employee in no cost training under section 31-11a-11 cannot otherwise be accomplished, the administrator may arrange or contract to reimburse the operator of the training program for the cost of such training.

(Effective August 18, 1980)

Sec. 31-11a-13. Approval of other training

The administrator may approve and purchase with Employee Dislocation Allowance Fund monies any other suitable training providing:

(a) Circumstances preclude referral to training under sections 31-11a-11 and 31-11a-12 and

(b) If institutional vocational training, the training has been approved by the State Board of Education, and is maintained by an approved facility or by the administrator.

(Effective August 18, 1980)

Administration

Sec. 31-11a-14. Determinations

(a) The administrator shall apply these regulations and the substantive provisions of the General Statutes in the determination of an individual's entitlement to dislocation allowance or reemployment assistance. As to matters not otherwise specifically provided for in these regulations or section 31-11a of the Connecticut General Statutes, the administrator shall follow the applicable provisions of the Connecticut Unemployment Compensation Law and Regulations, including any procedural requirements of that law or its regulations, except where inconsistent with these regulations or section 31-11a of the Connecticut General Statutes.

(b) **Redeterminations.** A determination under paragraph (a) of this section may be reconsidered by the administrator under the same terms and conditions as a determination on a claim for unemployment compensation under Chapter 567 of the Connecticut General Statutes

(c) **Written notification.** The administrator shall notify the individual in writing of any determination or redetermination as to entitlement to dislocation allowance or reemployment assistance. Each determination or redetermination shall inform the individual of the right to reconsideration or appeal in the manner provided for in section 31-11a-15.

(Effective August 18, 1980)

Sec. 31-11a-15. Appeals

(a) **Written appeal.** An individual may appeal any determination or redetermination by the administrator by submitting a written request for review and reconsideration of such determination or redetermination within fourteen days of the mailing date of said decision.

(b) **Hearings.** A hearing officer, designated by the administrator shall rule on any appeal under paragraph (a) of this section in the same manner and to the same extent as provided for determination in section 31-11a-14(a).

(c) **Judicial review.** Any decision made under paragraph (b) of this section shall be subject to all applicable provisions of Chapter 54 of the General Statutes of the State of Connecticut.

(Effective August 18, 1980)

Sec. 31-11a-16. Disclosure of information

Any information obtained by the administrator relating to an application for, entitlement to or payment of any dislocation allowance or reemployment assistance to an individual shall be confidential to the extent provided for in all applicable laws.

(Effective August 18, 1980)

Sec. 31-11a-17. Unemployment compensation

Unemployment Compensation payable to a dislocated employee shall not be denied or reduced for any week by reason of receipt of, or any right to receive a dislocation allowance or reemployment assistance under these regulations.

(Effective August 18, 1980)